

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES BASHON GARNER,

Case No. 2-05-CV-79

Plaintiff,

Hon. Richard Alan Enslen

v.

UNKNOWN NAPEL, *et al.*,

ORDER

Defendants. /

This matter is before the Court on Plaintiff James Bashon Garner's Motion for Reconsideration of United States Magistrate Judge Timothy P. Greeley's Order denying Plaintiff's Motion for an Extension of Time to file Objections to the Report and Recommendation ("Report"). The Court notes that this Motion is more accurately construed as an Objection to the Magistrate Judge's Order. This Court reviews the Order for clear error in accordance with 28 U.S.C. § 636(b)(1)(A).

Plaintiff asserts that Magistrate Judge Greeley erred when he denied Plaintiff's request for an extension of time (60 days) to file his Objection to the Report. Plaintiff asserts he is entitled to such an extension because it was timely filed. After a review, the Court finds Magistrate Judge Greeley did not clearly err when he denied Plaintiff's request on the grounds that there was no possibility of a different outcome. *See Williams v. Meyer*, 346 F.3d 607, 613-14 (6th Cir. 2003). Therefore, where the decision was within the Magistrate Judge's discretion and not clearly erroneous, the Objection will be denied.

THEREFORE IT IS HEREBY ORDERED, that Plaintiff James Bason Garner's Motion for Reconsideration (Dkt. No. 121) is **DENIED** and the Order of January 24, 2007 (Dkt. No. 119) is **AFFIRMED**.

IT IS FURTHER ORDERED that Plaintiff's Objection to the Report and Recommendation
(Dkt. No. 122) is **DENIED AS UNTIMELY**.

DATED in Kalamazoo, MI:
March 5, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE